

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

SHAQUILLE PARKER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.
)	2:15cv340-MHT
)	(WO)
JEFFERSON S. DUNN, ADOC)	
Commissioner, et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit contending that his placement in close custody at Kilby Correctional Facility violated his rights to due process and equal protection, and that the conditions in close custody violate the Eighth Amendment. This lawsuit is now before the court on the recommendation of the United States Magistrate Judge that defendants' motion for summary judgment be granted. Also before the court are plaintiff's objections to the recommendation. After an independent and de novo review of the record, the court

concludes that plaintiff's objections should be overruled and the magistrate judge's recommendation adopted. The court notes that, as to the Eighth Amendment claim, plaintiff has not marshalled sufficient competent evidence to establish his claim; and while plaintiff makes some persuasive arguments on the subject, arguments are not evidence. *Contrast Braggs v. Dunn*, 257 F. Supp. 3d 1171 (M.D. Ala. 2017) (Thompson, J.) (presenting detailed evidence and expert testimony regarding prison conditions). The court would further note that, to the extent plaintiff's claims may arguably implicate the mental-health impact of segregation, that issue is already being pursued and addressed in the *Braggs* litigation. *See id.*

An appropriate judgment will be entered.

DONE, this the 31st day of August, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE